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AUG 11 2004

OFFICE OF PETITIONS

In re Application of :  
Brant Patrick et al :  
Application No. 09/728,267 : ON PETITION  
Filed: December 1, 2000 :  
Attorney Docket No. 2000U039.US :

This is a decision on the petition under 37 CFR 1.137(b), filed June 10, 2004.

The petition under 37 CFR 1.137(b) is DISMISS AS MOOT for the reasons stated below.

A review of the file record discloses that a non-final Office action was mailed on June 1, 2004, setting a one month shortened statutory period for reply. Extensions of time under the provisions of 37 CFR 1.136(a) were permitted. A reply received by the USPTO on June 10, 2004. Therefore, the petition to revive was prematurely filed and is dismissed as involving a moot issue.

The petition fee of \$1,330.00 is being credited to petitioner's Deposit Account No. 50-0589.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 306-5685.

This matter is being referred to Technology Center AU 1755.

  
Wan Laymon

Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner  
for Patent Examination Policy